

WIGDOR LLP

ATTORNEYS AND COUNSELORS AT LAW

85 FIFTH AVENUE
NEW YORK, NY 10003
TEL 212.257.6800
FAX 212.257.6845
WWW.WIGDORLAW.COM

Jeanne M. Christensen
jchristensen@wigdorlaw.com

June 27, 2018

VIA ECF AND FEDERAL EXPRESS

The Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street, Room 1310
New York, NY 10007

Re: Wheeler v. Twenty-First Century Fox, Inc., *et al.*; Index No. 17 Civ. 05807 (GBD)
Request to Order Defendant Butowsky to Cease and Desist Contacting Wigdor LLP

Dear Judge Daniels,

We are former counsel of record to Plaintiff Rod Wheeler,¹ and write in connection with two threatening voicemails recently left by Defendant Ed Butowsky for Douglas H. Wigdor. The voicemails (attached as Exhibit A) are being provided to the Court on a CD, along with a copy of this letter, *via* Federal Express. We respectfully request permission to file the voicemails under seal, as they contain Mr. Butowsky's phone number.

The first voicemail was received by Mr. Wigdor on June 26, 2018 at approximately 4:33 p.m. In it, Mr. Butowsky, *inter alia*: (i) requests an opportunity to meet with Mr. Wigdor, myself and Michael J. Willemin (another partner at our Firm); (ii) states that "we have a number of things to discuss;" and (iii) closes with, "we have a lot to talk about, Doug."

The following day, Mr. Willemin and I called Mr. Butowsky's attorney in this matter, David Harrison, to inform him that we were not interested in meeting with Mr. Butowsky and that Mr. Butowsky should not be calling us. Mr. Harrison did not answer, so we left a voicemail simply asking for a call back. Less than an hour later, at approximately 1:57 p.m., Mr. Wigdor received a second voicemail from Mr. Butowsky. In this second voicemail, Mr. Butowsky states:

"I didn't call to then have you call David Harrison. I called to find out a date and a time that we're gonna sit down and talk, and you and I got a lot to talk about. So, we need to do this face to face and, again

¹ On May 30, 2018, Your Honor granted our motion to withdraw as counsel. See Dkt. No. 96. However, there is still a (meritless) Fed. R. Civ. P. 11 motion, filed by Mr. Butowsky, pending against our Firm. See Dkt. Nos. 44, 57, 70.

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I'd like you to have Wilhlem [sic] and Christensen in the office – if not that's fine with me.

We don't even have to do it in your office. We can do it in your hometown. We can meet someplace in New York. But you and I need to talk. We've got a lot of stuff we need to work out Doug. So, if you're not gonna meet you can, you know, start there. But you can communicate directly with me. I, um, left you my cell, [xxx-xxx-xxxx].

But Doug, you and I have a lot to catch up on, a lot to discuss. So look forward to it. Let's try to carve out a couple hours okay. I will see you soon Doug."

While the cold transcript of the voicemails may not seem, on their face, threatening, we submit that anyone listening to the two voicemails (which we are providing to the Court) will immediately discern Mr. Butowsky's threatening and menacing tone and intent. We would, therefore, respectfully request that the Court listen to both voicemails in their entirety.

Following receipt of the second voicemail, Mr. Willemin and I again called Mr. Harrison. Mr. Harrison informed us that he had already advised Mr. Butowsky not to contact us and that he would do so again, but that he only had limited control over Mr. Butowsky's actions.

As a result of the foregoing, we respectfully request that Your Honor order Mr. Butowsky not to directly contact our Firm in connection with any matter relating in any way to this action. In addition, we submit that Mr. Butowsky's recent actions simply further demonstrate the intent of his frivolous Fed. R. Civ. P. 11 motion; *i.e.*, to threaten, intimidate and bully Mr. Wheeler and our Firm.

We thank Your Honor for the Court's time and consideration of this matter.

Respectfully submitted,



Jeanne M. Christensen

Encl.

cc: Counsel for Defendants (*via* ECF)
Mr. Rod Wheeler (*via* e-mail)

Exhibit A

DOCUMENT PRODUCED IN NATIVE FORMAT

SUBJECT TO REQUEST TO FILE UNDER SEAL